



**MINUTES
of the
THREE-HUNDRED-SIXTIETH MEETING
of the
LEGISLATIVE COUNCIL
June 29, 2015
Santa Fe**

The three-hundred-sixtieth meeting of the Legislative Council was called to order on Monday, June 29, 2015, at 10:10 a.m. in Room 307 of the State Capitol by Senator Mary Kay Papen, co-chair.

Present

Sen. Mary Kay Papen, Co-Chair
Rep. Don L. Tripp, Co-Chair
Rep. Alonzo Baldonado
Sen. Carlos R. Cisneros
Rep. Brian Egolf
Rep. Kelly K. Fajardo
Sen. Stuart Ingle
Rep. W. Ken Martinez
Sen. Clemente Sanchez
Sen. Michael S. Sanchez
Sen. William E. Sharer
Sen. John Arthur Smith
Rep. Sheryl Williams Stapleton

Absent

Rep. Doreen Y. Gallegos
Rep. Nate Gentry
Sen. William H. Payne

Special Advisory Members Present

Rep. Eliseo Lee Alcon
Sen. Pete Campos
Rep. Gail Chasey
Sen. Lee S. Cotter
Rep. Roberto "Bobby" J. Gonzales
Sen. Ron Griggs
Sen. Daniel A. Ivey-Soto
Rep. James Roger Madalena
Sen. Cisco McSorley
Rep. Andy Nunez
Sen. Michael Padilla
Rep. Jane E. Powdrell-Culbert
Rep. Debbie A. Rodella
Sen. Benny Shendo, Jr.
Rep. Jim R. Trujillo

Special Advisory Members Absent

Rep. Jason C. Harper
Rep. Rick Little
Sen. Mark Moores
Sen. George K. Munoz
Sen. Cliff R. Pirtle
Rep. Dennis J. Roch
Rep. Patricia Roybal Caballero
Rep. Carl Trujillo

Staff

Raúl E. Burciaga, Director, Legislative Council Service (LCS)
John Yaeger, Assistant Director for Legislative Affairs, LCS
Amy Chavez-Romero, Assistant Director for Drafting, LCS
Kathy Pacheco-Doffelmeyer, Assistant Director for Administration, LCS
Jeret Fleetwood, Researcher, LCS

Approval of Minutes

On a motion made, seconded and passed, the minutes of the three-hundred-fifty-ninth meeting of the council, from April 27, 2015, were approved as submitted.

Interim Committee Work Plans and Budgets

Interim committee work plans were presented by the appropriate LCS staff members. A copy of each work plan and budget is in the original meeting file.

The work plan and meeting dates for the Military and Veterans' Affairs Committee, including an additional meeting date in September and an October meeting outside of the State Capitol, were approved as submitted. A budget of \$24,356 for voting members and \$34,781 for advisory members was also approved.

The work plan of the Water and Natural Resources Committee was amended to include an item regarding the long-term fiscal impact of planned water projects and settlements. The committee's meeting schedule, including postponing the committee's July meeting and an October meeting outside of the State Capitol, was approved as submitted. The council discussed adding additional days to the committee's meeting schedule to discuss adjudications and the Arizona Water Settlements Act and directed staff to work with the chair to schedule additional meeting days, if necessary. A budget of \$53,013 for voting members and \$111,805 for advisory members was also approved.

The work plan and meeting dates for the Radioactive and Hazardous Materials Committee, including an October meeting outside of the State Capitol, were approved as submitted. A budget of \$24,296 for voting members and \$22,739 for advisory members was also approved.

The work plan and meeting dates for the Science, Technology and Telecommunications Committee were approved as submitted. A budget of \$38,756 for voting members and \$44,198 for advisory members was also approved.

The work plan and meeting dates for the Investments and Pensions Oversight Committee were approved as submitted. A budget of \$20,509 for voting members and \$17,466 for advisory members was also approved.

The work plan and meeting dates for the New Mexico Finance Authority Oversight Committee were approved as submitted. A budget of \$72,591 for voting members and \$58,140 for advisory members was also approved.

In response to a question from Speaker Tripp regarding the committee meeting near the Mexican border, Representative Powdrell-Culbert explained that the committee had met near the border often over the past few interims and planned on meeting in communities it had not visited recently.

The work plan and meeting dates for the Tobacco Settlement Revenue Oversight Committee, including an October meeting outside of the State Capitol, were approved as submitted. A budget of \$10,407 for voting members and \$7,435 for advisory members was also approved.

The work plan for the Public School Capital Outlay Oversight Task Force was amended to include an item regarding review of statutory, constitutional and other related issues as they affect school districts' ability to dispose of abandoned school buildings. The task force's meeting dates were approved as submitted. A budget of \$29,405 for voting members and \$21,609 for advisory members was also approved.

The work plan and meeting dates for the Mortgage Finance Authority Act Oversight Committee, including an October meeting outside of the State Capitol, were approved as submitted. A budget of \$12,566 for voting members and \$11,025 for advisory members was also approved.

The work plan and meeting dates for the Revenue Stabilization and Tax Policy Committee were approved as submitted. A budget of \$52,535 for voting members and \$125,000 for experts and consultants was also approved.

The work plan and meeting dates for the Jobs Council were approved as submitted. A budget of \$31,316 for voting members, \$38,708 for advisory members, \$3,806 for public members and \$144,000 for consultant expenses and the statewide employment data repository was also approved.

The council also discussed the creation of part-time and seasonal jobs, which generate unemployment claims and appear to be increasing the rates for unemployment insurance. Senator Griggs pointed out that the Economic and Rural Development Committee would look at the issue.

The work plan for the Economic and Rural Development Committee was amended to include an item regarding the effect of the New Mexico Court of Appeals' decision in *Griego v. The New Mexico Workers' Compensation Administration*. The committee's meeting dates,

including an October meeting outside of the State Capitol, were approved as submitted. A budget of \$49,182 for voting members and \$51,977 for advisory members was also approved.

The work plan for the Transportation Infrastructure Revenue Subcommittee was amended to include items regarding the aerospace market in New Mexico and the economic effects of rapidly rising costs for airspace agreement and acquisition costs for rights of way for proposed corridors such as Paseo del Volcan in Bernalillo and Sandoval counties and the West Loop in Dona Ana County. The subcommittee's meeting dates were approved as submitted. A budget of \$21,761 for voting members, \$25,273 for advisory members and \$2,000 for expert testimony was also approved.

The work plan and meeting dates for the Land Grant Committee, including an October meeting outside of the State Capitol, were approved as submitted. Staff noted that the committee wants to meet in northern New Mexico, but that the meeting might not be held in Tierra Amarilla. A budget of \$36,187 for voting members and \$20,418 for advisory members was also approved.

The work plan and meeting dates for the Indian Affairs Committee, including an October meeting outside of the State Capitol, were approved as submitted. A budget of \$62,909 for voting members and \$43,200 for advisory members was also approved.

The work plan and meeting dates for the Legislative Health and Human Services Committee, including an October meeting outside of the State Capitol, were approved as submitted. The work plan and meeting dates for the Disabilities Concerns Subcommittee were also approved as submitted. A budget of \$39,671 for voting members and \$98,436 for advisory members of the Legislative Health and Human Services Committee, plus \$2,500 for facilitation of a juvenile justice summit, \$15,000 for facilitation and administrative support for a dental therapy task force and \$8,000 for expert testimony, was approved. A budget of \$4,826 for voting members and \$4,174 for advisory members of the Disabilities Concerns Subcommittee was also approved.

The council also discussed the creation and appointment of a Dental Therapy Task Force, per Senate Memorial 136 from the 2015 regular session. The speaker and president pro tempore indicated that appointments would be made to the task force at a later date.

The work plan for the Courts, Corrections and Justice Committee was amended to include items regarding New Mexico's "three strikes" law and the impact of *Johnson v. United States*; and analysis of New Mexico's expungement statutes. The committee's meeting dates, including an October meeting outside of the State Capitol, were approved as submitted. A budget of \$53,231 for voting members and \$54,323 for advisory members was also approved.

A budget of \$6,085 was approved for the Interim Legislative Ethics Committee in the event that the committee would need to convene.

A budget of \$7,032 for voting members and \$5,939 for advisory members for the Legislative Committee on Compacts was approved in the event that the committee would need to convene.

In response to a question from Senator Smith, staff explained that June 30 was the date that the Pueblo of Pojoaque's gaming compact expired and that if the pueblo chooses to sign a compact previously approved by the legislature, no legislative action would be required.

Mr. Burciaga noted that approved work plans and a revised legislative interim calendar would be posted on the legislature's web site shortly.

Chief Hearing Officer Selection Committee

The council discussed the function of the Chief Hearing Officer Selection Committee. Mr. Burciaga clarified that the committee would merely nominate candidates for the chief hearing officer to the governor, rather than hear appeals to the Taxation and Revenue Department.

In response to a question from Senator Clemente Sanchez, Mr. Burciaga explained that while no money had specifically been provided for the chief hearing officer, the Taxation and Revenue Department would absorb the cost.

On a motion made, seconded and passed, the council authorized the speaker, house minority floor leader, president pro tempore and the senate minority floor leader to appoint the committee. Speaker Tripp named Representative Harper to the committee. The president pro tempore and the two minority floor leaders said they would make appointments at a later date.

Insurance Nominating Committee Appointments

Mr. Burciaga explained that the council would need to appoint or reappoint the members appointed to the Insurance Nominating Committee.

On a motion made, seconded and passed, the council authorized the speaker, house minority floor leader, president pro tempore and senate minority floor leader to make the necessary appointments to the Insurance Nominating Committee.

Rio Grande Trail Commission

Mr. Burciaga explained that House Bill 563 from the 2015 regular session established the Rio Grande Trail Commission, and that while there were no required legislative appointments, some members had expressed interest in being appointed to the commission. He said that the Energy, Minerals and Natural Resources Department suggested that the speaker, house minority floor leader, president pro tempore and senate minority floor leader appoint nonvoting members to advise the commission.

On a motion made, seconded and passed, the council authorized the speaker, house minority floor leader, president pro tempore and senate minority floor leader to appoint nonvoting members to advise the Rio Grande Trail Commission.

Staff Reports

Mr. Burciaga noted that a request for proposals for a new voting system for the house of representatives had been issued and that a vendor would likely be selected within weeks.

Mr. Burciaga also said that the State Commission of Public Records was considering a repeal of the current state records retention and disposition schedule, and that the proposed schedule took more of a one-size-fits-all approach that likely would not work for the legislature.

Senator Ivey-Soto noted that he had attended the same State Commission of Public Records meeting as Mr. Burciaga, where the commission heard public comments regarding the proposed schedule. He said that the proposed schedule also creates a separation of powers problem.

The council discussed the proposed schedule. Several members indicated that the legislature should continue to maintain its records as it has in the past or develop a new schedule based on existing practices.

Mr. Burciaga noted that the next scheduled meeting of the New Mexico Legislative Council would be on September 4, which he pointed out is the Friday before the Labor Day holiday weekend. The council moved its next meeting to September 15.

There being no further business, the council adjourned at 12:15 p.m.